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EXAMINER

MELIUS, T

ART UNIT PAPER NUMBER

10

3506

DATE MAILED:

04/05/95

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on Feb. 7, 1995 and Feb. 13, 1995 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- ☐ Notice of References Cited by Examiner, PTO-892.
- ☐ Notice of Draftsman's Patent Drawing Review, PTO-948.
- ☐ Notice of Art Cited by Applicant, PTO-1449.
- ☐ Notice of Informal Patent Application, PTO-152.
- ☐ Information on How to Effect Drawing Changes, PTO-1474.
- ☐

Part II SUMMARY OF ACTION

1. ☒ Claims 9-16 and 20-28 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. ☒ Claims 1-8 and 17-19 have been cancelled.

3. ☐ Claims _____ are allowed.

4. ☒ Claims 9-16 and 20-28 are rejected.

5. ☐ Claims _____ are objected to.

6. ☐ Claims _____ are subject to restriction or election requirement.

7. ☐ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.

8. ☐ Formal drawings are required in response to this Office action.

9. ☐ The corrected or substitute drawings have been received on _____. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).

10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).

11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).

12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.

13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. ☐ Other

EXAMINER'S ACTION

Art Unit 3506

The amendments received on February 7 and February 13, ~~194~~¹⁹⁴⁵ have been entered. In addition, the election of Group II (claims 9-16) is noted as well as the cancellation of claims 1-8 and 17-19.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 9, 12, and 20-24 are rejected under 35 U.S.C. § 102(a) as being anticipated by Benko et al.

The Examiner would like to particularly point out Figure 1.

The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

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Claims 10, 11, 13, 14, 15, 16 and 25 are rejected under 35 U.S.C. § 103 as being unpatentable over Benko et al in view of the "reelmaster 3500-D" brochure.

The 4-wheel drive mower shown in the brochure (submitted by Applicant) sets forth an overrunning clutch system and a "series" connection between the front and rear wheel motors.

As for the above listed claims, to adapt the overrunning clutch arrangement of the reelmaster brochure to the mower of Benko et al. would have been considered an obvious modification to those skilled in the art at the time the invention was made, particularly in view of the teachings within the brochure concerning overrunning clutches for use in mowers. In addition, the use of "bøld" tires for "greens mowers" is well known in the art.

Claims 9-16 and 20-28 are rejected under 35 U.S.C. § 103 as being unpatentable over the reelmaster 3500-D brochure in view of Benko et al.

In the alternative, to adapt a motor for each individual wheel and then provide a series/parallel relationship with respect to various configurations thereof would have been considered an obvious modification to those skilled in the art at the time the present invention was made, particularly in view of the motor arrangement set forth by Benko et al.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamaoka et al. shows a hydraulic four-wheel drive system for a riding ^{mower} means.

Hall et al. sets forth a seven gang hydraulic reel mower.

Any inquiry concerning this communication should be directed to Examiner Terry Melius at telephone number (703) 308-2168.

TLM
Melius-CW
April 03, 1995
4-4-1995

Terry Lee Melius
TERRY LEE MELIUS
PRIMARY EXAMINER
GROUP 350